

No. _____

**IN THE COURT OF CRIMINAL APPEALS OF TEXAS
AT AUSTIN**

FILED
COURT OF CRIMINAL APPEALS
9/14/2020
DEANA WILLIAMSON, CLERK

ANTHONY RUFFINS, Appellant
v.
THE STATE OF TEXAS, Appellee

03-18-00540-CR
In the Third Court of Appeals
Austin, Texas

Appealed from the 207th Judicial District Court
Cause No. CR2016-614
Comal County, Texas

**STATE'S MOTION TO EXTEND TIME TO FILE
PETITION FOR DISCRETIONARY REVIEW**

Jennifer Tharp
Criminal District Attorney

By
Joshua D. Presley
SBN: 24088254
199 Main Plaza, Ste. 2007
New Braunfels, Texas 78130
Phone: (830) 221-1300
Fax: (830) 608-2008
preslj@co.comal.tx.us
Attorney for the State

**STATE’S MOTION TO EXTEND TIME TO FILE PETITION FOR
DISCRETIONARY REVIEW**

TO THE HONORABLE JUDGES OF SAID COURT:

Now comes the State of Texas, Appellee (and Petitioner) in the above-styled and -numbered cause, and moves for an extension of time of 30 days from the current deadline to file its PDR, and for good cause would show the following:

I. Procedural History

After Appellant appealed his conviction and life sentence for Aggravated Robbery enhanced by prior convictions, in a 2-1 opinion, the Third Court reversed and remanded for a new trial. *See Ruffins v. State*, No. 03-18-00540-CR, 2020 Tex. App. LEXIS 6499, at *27 (Tex. App.—Austin Aug. 14, 2020, no pet. h.) (designated for publication). The typical 30-day deadline to file a Petition for Discretionary Review currently falls on or after September 13, 2020.

II. The State Respectfully Requests an Extension of Time Under Tex. R. App. P. 68.2(a) & (c).

The State anticipates filing its petition for discretionary review within 30 days. However, the attorney who will likely file the State’s Petition—Chief Misdemeanor Prosecutor Jacqueline Hagan Doyer—also has numerous other tasks to work on, and would like to have other attorneys review her PDR before submission.

Over the past month, in the course of her normal responsibilities as Chief Misdemeanor Prosecutor, Mrs. Doyer has been working on intake, dockets, reviewing pretrial diversion applications, her regular supervisory duties, and preparing a case and presenting it to the Grand Jury. Moreover, Mrs. Doyer recently finished drafting the State's Motions for Rehearing and En Banc Reconsideration in 03-18-00531-CR, which were filed around an hour ago. Additionally, Mrs. Doyer must file the State's Brief in 03-19-00754-CR by September 30, 2020.

Because of the foregoing, she has not yet been able to substantially complete the State's Petition for Discretionary Review in this case, and the State respectfully requests a 30-day extension to file the State's Petition. This is the State's first motion to extend the time to file its Petition for Discretionary Review; no previous extensions have been granted.

III. Prayer

WHEREFORE, PREMISES CONSIDERED, the State respectfully prays for an extension of 30 days—until October 13, 2020—to file the State’s Petition for Discretionary Review. This extension is not requested for purposes of delay but so that justice may be done.

Respectfully submitted,

/s/ Joshua D. Presley

Joshua D. Presley SBN: 24088254

preslj@co.comal.tx.us

Comal Criminal District Attorney’s Office

199 Main Plaza, Ste. 2007

New Braunfels, Texas 78130

Ph: (830) 221-1300 / Fax: (830) 608-2008

Certificate of Service

I, Joshua D. Presley, Assistant District Attorney for the State of Texas, Appellee, hereby certify that a true and correct copy of this *State’s Motion* has been sent to Appellant ANTHONY RUFFINS’ attorney in this matter:

Karen Oprea

karen.oprea@opreaweberlaw.com

The Law Office of Oprea & Weber

1411 West Ave., Ste. 200

Austin, TX 78701

Counsel for Appellant on Appeal

In addition to the State Prosecuting Attorney’s Office at information@spa.texas.gov by electronic service to the foregoing email addresses, on this, the 11th day of September, 2020.

/s/ Joshua D. Presley

Joshua D. Presley